



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

February 16, 1988

Mr. Robert E. Hartong
Texas Board of Chiropractic
Examiners
1300 E. Anderson Lane
Building C, Suite 245
Austin, Texas 78752

LO-88-15

Re: RQ-1249

Dear Mr. Hartong:

You ask whether the Board of Chiropractic Examiners has authority to establish qualifications for chiropractors who act as consultants for insurance companies and to require such consultants to register with the board the names of the insurance companies for whom they provide consultant services. We conclude that the board is without authority to do so.

The board has authority to "make such rules and regulations not inconsistent with [article 4512b] as may be necessary for the performance of its duties, the regulation of the practice of chiropractic, and the enforcement of [article 4512b]. V.T.C.S. art 4512b, §4a. Section 1 of article 4512b defines the practice of chiropractic:

Any person shall be regarded as practicing chiropractic within the meaning of this Act who shall employ objective or subjective means without the use of drugs, surgery, X-ray therapy or radium therapy, for the purpose of ascertaining the alignment of the vertebrae of the human spine, and the practice of adjusting the vertebrae to correct any subluxation or misalignment thereof, and charge therefor, directly or indirectly, money or other compensation; or who shall hold himself out to the public as a chiropractor or shall use

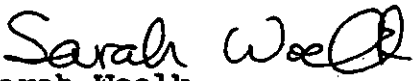
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either the term 'chiropractor,'
'chiropractic,' 'doctor of chiropractic,' or
any derivative of any of the above in
connection with his name.

An administrative agency has only those powers expressly granted or necessarily implied. Stauffer v. City of San Antonio, 344 S.W.2d 158 (Tex. 1961). We do not think that the the definition of "practice" is so broad that it gives the board authority to regulate licensed chiropractors' use of their knowledge and experience to act as consultants or to determine which licensed chiropractors may act as consultants. See Attorney General Opinion H-663 (1975) (Anatomical Board has no authority to license storage facilities for corpses.)

If you are concerned about unfair insurance practices, we suggest that you contact the State Board of Insurance.

Very truly yours,


Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/bc

cc: George Warner
Administrative Law

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